

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEANDRE SMITH,
Plaintiff,

v.

REBECCA QUEZADA, et al.,
Defendants.

Case No. 23-cv-05615 BLF (PR)

ORDER OF DISMISSAL

Plaintiff, a state prisoner, filed a civil rights complaint pursuant to 42 U.S.C. § 1983 against medical staff at Marin County Jail. Dkt. No. 1. This matter assigned to the Honorable Magistrate Judge Nathanael Cousins. Dkt. No. 3. When Plaintiff filed an In Forma Pauperis (“IFP”) application which was deficient, Dkt. No. 5, Judge Cousins granted Plaintiff an extension of time to file a complete application within twenty-eight days of the order filed on February 29, 2024. Dkt. No. 6. On March 22, 2024, the copy of the court order sent to Plaintiff was returned as undelivered, with the enveloped marked “NIC” (not in custody). Dkt. No. 7. This matter was reassigned to the undersigned on May 24, 2024. Dkt. Nos. 8, 9.

Pursuant to Northern District Local Rule 3-11, a party proceeding *pro se* must

1 promptly file a notice of change of address while an action is pending. *See* L.R. 3-11(a).
2 The Court may, without prejudice, dismiss a petition when: (1) mail directed to the *pro se*
3 party by the Court has been returned to the Court as not deliverable, and (2) the Court fails
4 to receive within sixty days of this return a written communication from the *pro se* party
5 indicating a current address. *See* L.R. 3-11(b).

6 More than sixty days have passed since mail addressed to Plaintiff was first
7 returned as undeliverable on March 22, 2024, because he was not custody. Dkt. No. 7.
8 The Court has not received a notice from Plaintiff of a new address or any further
9 communication from him. Accordingly, this action is **DISMISSED** without prejudice
10 pursuant to Local Rule 3-11 of the Northern District Local Rules.

11 The Clerk shall terminate any pending motions and close the file.

12 **IT IS SO ORDERED.**

13 Dated: ____ May 28, 2024 ____


14 BETH LABSON FREEMAN
15 United States District Judge
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